

APPENDIX N

**Santa Rosa Plain Conservation Strategy
Summary of Public Comments
and Response to Comments**

Note: All written and oral comments were reviewed and considered. This table is only a summary of comments.

Summary of Comments	Team Response	Disposition
Graduated mitigation ratios preferred to flat 2:1; mitigation ratios too low	2:1 ratio accomplishes similar total preserve acreage as the graduated ratios. Applying graduated ratios long-term could encourage development beyond 500 feet from breeding sites, leaving the sites isolated without sufficient upland habitat to sustain the species.	Language was added to Section 5.3.3.1 to better explain the rationale for the 2:1 ratios
Concerns about fragmentation; 20% outside conservation areas; need large blocks of preserve land	The 20% outside conservation areas could lead to unacceptable fragmentation, and discourage contiguity of preserves.	Section 4.6.1, Preserve Selection Criteria, was modified to eliminate the 20% provision and allow for some mitigation outside the conservation areas, but require that it is contiguous with a conservation area and meet all other preserve selection criteria. This will reduce potential fragmentation.
Need habitat protected before permits are issued, or need a mechanism to acquire habitat in advance of impacts	The Conservation Strategy requires, prior to permits being issued, a guarantee that mitigation will take place. While it does not require that preserves be in place prior to permits being issued, it does ensure that mitigation be developed concurrent with projects being constructed. Mitigation banks are set up in advance of impacts, and to the extent they are used, habitat is protected before permits are issued.	The Conservation Strategy adequately addresses this comment.
Need to provide for preserves before SWSR habitat is lost	The Conservation Strategy provides for mitigation to occur as development takes place; therefore, as	The Conservation Strategy adequately addresses this comment.

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	development takes place in this area, two acres of preserve will be established for each acre of habitat loss. The document does not require that the preserves be in place prior to development.	
Adaptive management needs measurable criteria and clear thresholds	The Conservation Strategy, including adaptive management, does need criteria and thresholds.	Language was added to Section 3 to clearly identify the biological goals and objectives. The AMT will need to refer to these goals and objectives in making recommendations for changes to the Conservation Strategy.
Need sharing of cost of mitigation between new and existing development	Section 9 identifies potential funding sources. This is an issue that will be addressed in the process of implementing the Conservation Strategy.	The Conservation Strategy adequately addresses this comment.
Redundancy needed to protect CTS; should be additional land set aside in case the mitigation is not sufficient	The only direct mechanism for setting land aside is through mitigation of project impacts. There are other potential sources of funding identified in Section 9 that could contribute to increasing total acreage of preserves. The actual acreage of land in the conservation areas is approximately twice that which will be required for mitigation in the ten-year horizon addressed in the Conservation Strategy; therefore, additional lands could be set aside for CTS in the future. Also, the agricultural and rural residential land uses in the conservation areas will continue to contribute to habitat for the species. The success of the preserves will be monitored by the adaptive management team, and adjustments may be made over time.	The Conservation Strategy adequately addresses this comment.
Conservation Strategy favors development interests over protection of CTS	The Conservation Strategy requires that projects within 1.3 miles of CTS breeding sites mitigate at a 2:1 ratio. This ratio was deemed appropriate for the protection and improvement of CTS habitat. It	The Conservation Strategy adequately addresses this comment.

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	was intended to allow for planned development while protecting the species. The Conservation Strategy attempts to balance development and conservation interests.	
Section specific comments were received on the following: Preserve Acreage Goals, Preserve Establishment and Management, Mitigation Banks, Translocation, Monitoring, Mitigation, Surveys, Adaptive Management and Implementation.	The Conservation Strategy language needed to be expanded to address these issues.	Sections 4.5, 4.6, 4.7, 5, 6, 7, and 8 were modified to specifically address these comments.
“Shall” should replace “should” throughout strategy	The Conservation Strategy was modified to respond to these comments.	The words “shall” or “will” replaced the word “should” throughout the document; however, there were certain cases where the word “should” was deemed to be appropriate and was not changed.
Need stronger language regarding funding of preserve management	The Conservation Strategy was modified to respond to these comments.	Language was added to Sections 4.5 and 4.8.
Endowments should be funded up-front	The Conservation Strategy was modified to respond to this comment to the extent that the endowments will be required as a part of mitigation as projects are approved.	Language was added to Section 4.8.
Concerns about an added layer of government to oversee implementation; money should go to preserve habitat	This will be determined through the implementation process, not in the Conservation Strategy.	Reference to the Implementing Authority in Section 8 was deleted.
Need more language regarding the Windsor General Plan; urban areas should not be in	Changes were made to the Windsor Conservation Area. However, projects in the Windsor area will need to mitigate for wetlands and listed plants.	The Windsor Conservation Area was modified to exclude the portion within the UGB.

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Conservation Areas; no documentation of sensitive species in this area		
Need more discussion of effects on agriculture; allowed land disturbance should be identified	The Conservation Strategy is based on the assumption that existing agricultural and rural residential land uses in the unincorporated areas will continue. However, the Conservation Strategy Team added language recognizing that further discussions regarding agriculture will occur through the implementation process.	Section 3.2 was added to include Assumptions regarding continued land use. Section 5.4.1 was added to address conversions to vineyards and provide interim mitigation requirements. These would apply until the implementation plan is complete and the Conservation Strategy mitigation is implemented.
Needs to address common issues, such as decks, septic tanks, and similar small activities	The Conservation Strategy does not specifically address this comment. Discussions regarding these issues will occur through the implementation process.	This issue is deferred to the implementation process.
1.3 miles out from breeding sites is too large an area to require mitigation	CTS studies have shown that CTS travel up to 1.3 miles from their breeding sites; therefore, projects within that area are likely to impact CTS.	The Conservation Strategy adequately addresses this comment.
Management & Implementation needs to include State & Federal agencies, and technical experts	The Conservation Strategy was modified to respond to this comment.	Language was added to Section 7, Adaptive Management to include specific reference to the various Federal, State, and local agencies, as well as technical experts.
Mitigation should include avoidance, minimization, mitigation on-site, and lastly, mitigation off-site (in this order)	Mitigating on-site for wetlands and plants may be appropriate in some cases, but for CTS it is generally not appropriate because it would result in preserves that would be too small to sustain the species.	Section 5.2, Minimization Measures, was added to respond to this comment.
Need to look at the whole wetland complex or area	The Conservation Strategy encourages preserves to be large and contiguous in order to preserve an appropriate balance of CTS breeding and upland habitat and listed plant habitat.	Section 4, Conservation Areas, was modified to respond to this comment.
CTS should not conflict with	There are some instances where CTS exist on	The Conservation Strategy adequately

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wastewater irrigation; future irrigation should not conflict with CTS	irrigated lands; however irrigated lands are not ideal CTS habitat. The Conservation Strategy does not prohibit irrigation, but future irrigation projects will need to address impacts to CTS. Discussions regarding this issue will occur through the implementation process.	addresses this comment.
Preserves should have at least 3 breeding pools and be 656 feet apart (see details)	The Conservation Strategy Team modified language to respond to this comment.	Section 3.1, Biological Goals and Objectives was added to respond to this comment and includes discussion of breeding pools. Section 4.8, Habitat Improvement was modified to respond to this comment as well.
Pools should be at least 1 foot deep, and have 0.25 acre surface area	The Conservation Strategy Team modified language to respond to this comment.	Section 3.1, Biological Goals and Objectives, was added to respond to this comment that discusses appropriate hydrology. Section 4.8, Habitat Improvement, also addresses this comment.
2,070 ft around breeding sites should be in preserves or protected by land use restrictions	The Conservation Strategy is based on the assumption that existing land uses on the Plain, which are compatible with CTS, will continue into the future. Fragmentation that has occurred on the Plain, in many cases, precludes the dedication of this much contiguous land around breeding sites.	Section 3.2, Assumptions, was modified to respond to this comment.
Minimum preserve size should be 561 acres	The Conservation Strategy assumes that existing agricultural and rural residential land uses on the Plain will continue, and that these land uses will continue to support CTS. Also, peer review comments indicated that 350 contiguous acres, if managed properly, would be sufficient.	Section 3.1, Biological Goals and Objectives, was modified to respond to this comment. Section 3.2, Assumptions, was also modified to respond to this comment. Section 4.5, Preserve Acreage Goals, discusses the acreage required for CTS viability
Tunnels under roads should be no more than 50 feet apart	The Conservation Strategy uses the reference, <i>Proposed Design and Considerations for Use of</i>	The Conservation Strategy adequately addresses this comment.

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(strategy says 200 ft)	<i>Amphibian and Reptile Tunnels in New England (Jackson, 2003)</i> as the basis for the 200 foot maximum distance between CTS passages underneath roadways.	
Costs are too vague	The Conservation Strategy identifies what is needed in preserve acreage to provide sufficient habitat to sustain CTS populations. It does not attempt to provide a detailed cost analysis.	The Conservation Strategy adequately addresses this comment.
Strategy fails to consider how different kinds of property at different stages of development will be treated	The Conservation Strategy provides that projects that have received letters of no effect will not be required to mitigate. It also provides that projects that have been authorized by FWS to commence CTS surveys may proceed. In that case, if no CTS are found, no mitigation is required; if CTS are found, mitigation will be required at the appropriate level.	The Conservation Strategy adequately addresses this comment.
There should be no net loss of critical habitat or species within conservation areas	So long as projects are allowed within the conservation areas, there will be a net loss of habitat. However, most of the planned development areas are not in conservation areas, so the loss of habitat in conservation areas is not expected to be excessive. The Conservation Strategy does not prohibit projects; it only requires that projects mitigate for their impacts.	The Conservation Strategy adequately addresses this comment.
There should be no mitigation banking or translocation options for CTS; this is unproven	Translocation is not in-lieu of mitigation. Mitigation banking and translocation are sufficiently proven to allow for these to be tools that can be used in conserving the listed species.	Section 4.6, Translocation, was modified to address this comment.
Mitigation ponds should not be allowed	While natural CTS breeding pools are ideal, there is sufficient evidence that if breeding pools are properly constructed, they can provide viable CTS breeding habitat.	Language was added in Section 3.1, Biological Goals and Objectives, that describes appropriate CTS breeding habitat objectives.

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Should be an EIR/EIS prepared on the Conservation Strategy	The appropriate environmental documents will need to be prepared to support implementation of the Conservation Strategy. This will be more fully addressed in the implementation process.	The Conservation Strategy adequately addresses this comment.
Research programs needed for AMT	One of the tasks of the AMT will be to identify needed research.	Section 7, Adaptive Management, addresses this issue.
Should be stronger language in purpose of Conservation Strategy committing to protection of species	A new section was added.	Section 3, Biological Goals and Objectives, was added.
Preservation should be focused on the best remaining habitat	Section 4.5.1 addresses the evaluation of potential preserves. This includes the criteria for selecting preserves, and will help to ensure that appropriate sites will be selected. While some breeding sites will end up being destroyed by development, they do not have sufficient upland habitat to sustain the species. Therefore, it would be preferable to preserve both wetlands and upland habitat to sustain both CTS and listed plants.	The Conservation Strategy adequately addresses this comment.
CTS should be protected where they are now, not moved to banks	It is important to provide both breeding and upland habitat of sufficient size to sustain the species. In areas where CTS are surrounded by incompatible land uses, long-term survival of the species is questionable. In this case, it would be preferable to protect habitat where CTS survival is more assured.	The Conservation Strategy adequately addresses this comment.
Should be no in-lieu fees	The use of fees is only considered in the Conservation Strategy for projects beyond 1.3 miles from CTS breeding habitat. In this case projects will be allowed to contribute to a species fund that would be applied to conservation of the species. In these areas the project would have the	Contribution to a species fund is discussed in Sections 5.3.3.2 and 5.4.

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	option to survey for the presence of CTS. If CTS are not found, no mitigation would be required; if CTS are found, mitigation would be required at a 2:1 ratio.	
Should be no provision to waive preserve selection criteria requirements	There may be instances when a site contains some unique conservation value that is not identified in the criteria. In this case, FWS/DFG may waive one of more of the criteria, but biological justification must be provided when waiving the criteria.	The Conservation Strategy adequately addresses this comment.
Former Rohnert Park casino site and Alpha Farm should be considered as preserve sites	These are sites that could be considered for preserves in the future so long as they meet the preserve selection criteria. However, the Conservation Strategy does not identify specific sites for preserves.	The Conservation Strategy adequately addresses this comment.
Conservation areas should not extend east of 101 since it is a barrier to movement	Generally, the conservation areas are west of Highway 101. But the Southeast Cotati Conservation Area is east of 101 because of its proximity to known CTS occurrences. The Conservation Strategy recognizes that Highway 101 is a barrier to CTS movement.	The Conservation Strategy adequately addresses this comment.
Strategy should consider other sensitive species, not just those that are listed	The Conservation Strategy addresses only species that are currently listed pursuant to the ESA.	The Conservation Strategy adequately addresses this comment.
Should be incentives to acquire high quality habitat early in the process	The Conservation Strategy does not require the purchase of specific sites; however, use of the preserve evaluation criteria will help to guide mitigation toward sites with high-quality habitat.	The Conservation Strategy adequately addresses this comment.
New programmatic biological opinion should include current scientific information on listed plants, and include at least as	The Conservation Strategy assumes that a new biological opinion will be prepared by FWS, will utilize current information on listed plants, and will provide the appropriate level of protection.	The Conservation Strategy adequately addresses this comment.

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much protection as the existing programmatic biological opinion		
Extensive comments on Appendix G – Preserve Management Template	Some changes were made to the preserve management template, where appropriate.	Appendix G has been modified.
Table 1 confusing – shows approximately 4000 acres vs. 2543 acres of preserves	Careful review of the text of Section 4.2 should help to clarify any confusion. 4250 acres total is applied if none of the conservation areas achieves a minimum number of contiguous acres. The 4250 acres also includes existing and pending preserves. The 2543 acres would apply if all of the conservation areas achieve the minimum contiguous acreage requirement.	The Conservation Strategy adequately addresses this comment.
Concern that Implementation Committee will focus on economics and not protection of CTS	If the Conservation Strategy is implemented as written, it will provide for the protection of CTS.	Section 8, Implementation, was modified to add items that need to be addressed in the implementation process.
Existing public lands should not be included in preserve areas – would not add to acreage of protected habitat	Public lands are not necessarily guaranteed to remain in their current condition. Some public lands that are not included in preserves but are within conservation areas are suitable CTS habitat. Inclusion of these lands in preserves would require protections and, in most cases, habitat enhancement. It is expected that mitigation for private projects will occur on private properties.	The Conservation Strategy adequately addresses this comment.
Total of 2543 acres of preserve is too low	The 2543 total preserve acres assumes that the minimum size preserves within all conservation areas are contiguous. It was determined by the Team, and supported by scientific peer review, that having large contiguous preserves would be ideal, and if this is achieved, the smaller total acreage would be sufficient.	The Conservation Strategy adequately addresses this comment.

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Exemptions for agriculture, homes, etc would cause further fragmentation	The Conservation Strategy does not provide exemptions from compliance with the ESA.	The Conservation Strategy adequately addresses this comment.
Sec 8 says that USACE, NCRWQCB, DFG will relinquish their authority – locals <u>may</u> adopt ordinances	The Conservation Strategy does not provide for any agency to relinquish its authority.	Section 8, Implementation, was modified to recognize roles and responsibilities of the individual agencies and adds language regarding what the implementation plan must contain.
No flow charts or timelines for the creation of preserves	Flow charts and timelines were not provided since the preserves will be established as projects requiring mitigation occur. Timelines may vary depending on the rate of development and the rate of impact on the listed species.	The Conservation Strategy adequately addresses this comment.
Implementation Authority is only required to consider AMT recommendations, not act on them – too much power to local agencies	The AMT is an integral part of the implementation of the Conservation Strategy. This comment will be addressed through the implementation process.	Language in Section 8 referring to the Implementing Authority has been removed. Also see modified language in Section 7, Adaptive Management and Section 8, Implementation.
Strategy allows for too much loss of CTS habitat, and is insufficiently conservative to protect the species	The loss of habitat is sufficiently offset by the mitigation requirements of the Conservation Strategy, and that CTS will be better protected than if the Conservation Strategy did not exist.	The Conservation Strategy adequately addresses this comment.
Strategy does not consider Jan 2005 report (Cook, et al)	The Conservation Strategy considered this report, and language was added to address some of the biological issues.	Section 3.1, Biological Goals and Objectives, was modified to respond to this comment.
Preserves need to maximize quality and contiguity	Contiguity of preserves is addressed in Section 4, Conservation Areas, which encourages the establishment of contiguous preserves.	The Conservation Strategy adequately addresses this comment.
Metapopulation function needs to be maintained or re-established, connectivity needed to avoid isolation, constructed	This issue is discussed in Section 4.4, Preserve Acreage Goals.	The Conservation Strategy adequately addresses this comment.

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pools between preserves		
Need new breeding ponds	Pursuant to Section 404 of the CWA, any wetland filled must be replaced, which will ensure that if a CTS breeding site is filled, it must be replaced with a new one. The Conservation Strategy also provides that every preserve must include breeding habitat or be in close proximity to a breeding site.	Section 3.1, Biological Goals and Objectives, has been added to address creation and characteristics of new breeding sites. Section 4.6, Preserve Establishment, and Section 4.8, Habitat Improvement, have been modified to address new breeding sites.
Preserve design, management, monitoring & research should be directed by large research institution	The AMT will include technical experts with the appropriate expertise in preserve design, management, and monitoring. The AMT will recommend needed research.	Section 7, Adaptive Management, has been modified to more clearly define the makeup and role of the AMT.
Mitigation should be required if project is within 1.3 miles of created as well as existing breeding ponds (pg 28 footnote unclear)	Establishing mitigation requirements in proximity to newly created breeding sites would discourage the establishment of these new sites in areas that may be beneficial to CTS.	The footnote on page 28 was deleted.
Mitigate or survey opt out should be removed	Section 5.3.3.1 requires that all projects shown on Figure 3 as “Projects Likely to Impact CTS” (generally projects within 1.3 miles of a breeding site) must mitigate at 2:1, and there is no option to survey. Projects beyond 1.3 miles from breeding may pay into a species fund or may choose to survey for presence of CTS.	Language has been added to Sections 5.3.3.2 and 5.4 to clarify the option to conduct surveys.
Consultants doing surveys should be certified	FWS requires any person conducting a CTS survey to have a recovery permit.	Section 4.8, Management Plans, was modified to address this comment.
Should undertake appointment of recovery team, complete recovery plan, and designate critical habitat	These are actions that FWS will undertake in the future. The Conservation Strategy does not address any of these issues.	Section 1.4, Purpose of the Santa Rosa Plain Conservation Strategy, was modified to add language regarding a recovery plan.

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Parcel-specific requests

Parcel no. 045-041-032, 4310 Santa Rosa Ave	This parcel is not included in a conservation area. The Conservation Strategy does not address CTS critical habitat. The hardscape area is not considered habitat, and would not require mitigation.	The Conservation Strategy adequately addresses this comment.
Parcel nos. 144-450-036 to 043, Lund Hill Lane	This property is within 1.3 miles of a CTS breeding site as shown on Figure 3. Projects on this property do not qualify for a “not likely” determination.	The Conservation Strategy adequately addresses this comment.
Parcel no. 047-081-041, 2500 Goodwin Ave	This property has potential to impact CTS as shown on Figure 3. CTS surveys could be conducted or a fee could be paid to a species fund.	The Conservation Strategy adequately addresses this comment.

Corrections

Fig 12 Yuba Drive from Tapadera to the west is a county island, not within SR city limits	This property is shown on Figure 12 as a county island that is located within the Santa Rosa UGB.	The Conservation Strategy adequately addresses this comment.
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